

## EXHIBIT 23



AFF(1011332)(015451

Q22640217

CRIMINAL COURT OF THE CITY OF NEW YORK  
PART APAR, COUNTY OF QUEENS

THE PEOPLE OF THE STATE OF NEW YORK

STATE OF NEW YORK  
COUNTY OF QUEENS

V.

DOUGLAS FILARDO (59Y)  
01662929J

DEFENDANT

DETECTIVE MARCELO RAZZO OF FINANCIAL CRIMES TASK FORCE, TAX REG#: 924377, BEING DULY SWORN, DEPOSES AND SAYS THAT BETWEEN APRIL 4 2011 12:01AM AND NOVEMBER 2 2016 11:59PM, INSIDE OF 206-26 NORTHERN BLVD (STAR SUBARU), COUNTY OF QUEENS, STATE OF NEW YORK, THE DEFENDANT COMMITTED THE OFFENSE OF:

PL 155.40-1 [CF] GRAND LARCENY IN THE SECOND DEGREE

PL 155.40-1 [CF] GRAND LARCENY IN THE SECOND DEGREE  
--- KNOWINGLY AND UNLAWFULLY STEAL PROPERTY WITH A VALUE EXCEEDING FIFTY THOUSAND DOLLARS.

THE ABOVE OFFENSE WAS COMMITTED AS FOLLOWS:

DEPONENT IS INFORMED BY JACQUIE CUTILLO, WHO STATES THAT SHE IS A CONTROLLER AT STAR SUBARU, AND THAT DURING THE ABOVE MENTIONED TIMES AND DATES OF OCCURRENCE, THE DEFENDANT, DOUGLAS FILARDO, WAS A SALES MANAGER AT STAR SUBARU, A CAR DEALERSHIP.

DEPONENT IS FURTHER INFORMED BY JACQUIE CUTILLO THAT DURING THE ABOVE MENTIONED TIME PERIOD THE DEFENDANT WAS IN CHARGE OF MANAGING ADVERTISING CAMPAIGNS FOR STAR SUBARU, AND IN THAT CAPACITY, HE WAS INVOLVED IN PAYING OUTSIDE VENDORS FOR ADVERTISING RELATED TO THE STAR SUBARU DEALERSHIP.

DEPONENT IS FURTHER INFORMED BY JACQUIE CUTILLO THAT A REVIEW OF STAR SUBARU BANK STATEMENTS FROM INVESTORS BANK ACCOUNT ENDING IN NUMBERS 1432 REVEALS THAT BETWEEN APRIL 4, 2011 AND NOVEMBER 1, 2016, STAR SUBARU ISSUED APPROXIMATELY 196 CHECKS PAYABLE TO SUBARU MOTORSPORTS ADVERTISING, TOTALLING APPROXIMATELY \$1,116,355.83 USC, AND THAT SAID CHECKS WERE DEPOSITED INTO CHASE BANK ACCOUNT ENDING IN NUMBERS 4975.

DEPONENT FURTHER STATES THAT HE REVIEWED STATEMENTS BELONGING TO CHASE BANK ACCOUNT ENDING IN NUMBERS 4975, AND THAT SAID ACCOUNT WAS OPENED ON NOVEMBER 7, 2008 BY DOUGLAS FILARDO, UNDER THE BUSINESS NAME SUBARU



AFFI/1622232/1018831

FILARDO, DOUGLAS 022640217  
MOTORSPORTS ADVERTISING.

DEPONENT FURTHER STATES THAT HE REVIEWED STATEMENTS BELONGING TO SUBARU MOTORSPORTS ADVERTISING CHASE BANK ACCOUNT ENDING IN NUMBERS 4975, AND THAT SAID RECORDS REFLECT THE ABOVE MENTIONED DEPOSIT OF APPROXIMATELY 196 CHECKS TALLING APPROXIMATELY \$1,116,355.83 USC, BETWEEN APPROXIMATELY APRIL 4, 2011 AND NOVEMBER 2, 2016.

DEPONENT FURTHER STATES THAT HE REVIEWED BANK STATEMENTS FOR SUBARU MOTORSPORTS ADVERTISING CHASE BANK ACCOUNT ENDING IN NUMBERS 4975, AND THAT SAID RECORDS INDICATE THAT BETWEEN APPROXIMATELY APRIL 7, 2011 AND OCTOBER 21, 2016, APPROXIMATELY \$413,581.50 WAS TRANSFERRED TO VARIOUS ACCOUNTS ASSOCIATED WITH NEW VISION PRODUCTIONS, AND THAT APPROXIMATELY 36 CHECKS TALLING APPROXIMATELY \$68,545.56 USC WAS ISSUED FROM SUBARU MOTORSPORTS ADVERTISING CHASE BANK ACCOUNT ENDING IN 4975 PAYABLE TO VARIOUS ADVERTISING RELATED COMPANIES.

DEPONENT FURTHER STATES THAT HE REVIEWED BANK STATEMENTS FOR SUBARU MOTORSPORTS ADVERTISING CHASE BANK ACCOUNT ENDING IN 4975, AND FURTHER STATES THAT THE REMAINING \$634,228.77 USC THAT WAS DEPOSITED FROM STAR SUBARU INVESTORS BANK ACCOUNT ENDING IN NUMBERS 1432 WAS NOT USED FOR ANY ADVERTISING RELATED PURPOSE, AND A REVIEW OF THE RECORDS GENERALLY APPEAR THAT THEY WERE USED FOR PERSONAL EXPENSES.

DEPONENT IS FURTHER INFORMED BY JACQUIE CUTILLO THAT STAR SUBARU CAR DEALERSHIP WAS UNAWARE THAT DEFENDANT WAS RECEIVING PAYMENT FROM STAR SUBARU FOR ADVERTISING RELATED PURPOSES DURING THE ABOVE MENTIONED DATES, AND THAT THE DEFENDANT DID NOT HAVE PERMISSION OR AUTHORITY TO USE ANY OF ABOVE-MENTIONED FUNDS FOR PERSONAL EXPENSES.

FALSE STATEMENTS MADE IN THIS DOCUMENT ARE  
PUNISHABLE AS A CLASS A MISDEMEANOR PURSUANT  
TO SECTION 210.45 OF THE PENAL LAW

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Queens District Attorney 1122000000

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Q23628757

CRIMINAL COURT OF THE CITY OF NEW YORK  
PART APAR, COUNTY OF QUEENS

THE PEOPLE OF THE STATE OF NEW YORK

V.

DOUGLAS FILARDO (SSY)  
016629295

DEFENDANT

STATE OF NEW YORK  
COUNTY OF QUEENS

CR-023359-23QN



DETECTIVE MARCELO RAZZO OF SPECIAL FRAUDS SQUAD, TAX REG#: 924377, BEING DULY SWORN, DEPOSES AND SAYS THAT BETWEEN SEPTEMBER 21 2016 12:00AM AND MARCH 1 2018 11:59PM, INSIDE OF 206-26 NORTHERN BLVD (STAR SUBARU), COUNTY OF QUEENS, STATE OF NEW YORK, THE DEFENDANT COMMITTED THE OFFENSES OF:

PL 155.30-1 (b) GRAND LARCENY IN THE FOURTH DEGREE  
PL 165.45-1 (b) CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE FOURTH DEGREE  
PL 175.10 (b) FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE

PL 155.30-1 (b) GRAND LARCENY IN THE FOURTH DEGREE  
--- KNOWINGLY AND UNLAWFULLY STEAL PROPERTY THE VALUE OF WHICH EXCEEDS ONE THOUSAND DOLLARS

PL 165.45-1 (b) CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE FOURTH DEGREE  
--- KNOWINGLY POSSESS STOLEN PROPERTY WITH A VALUE EXCEEDING ONE THOUSAND DOLLARS WITH INTENT TO BENEFIT HIMSELF OR A PERSON OTHER THAN THE OWNER THEREOF OR TO INHIBIT THE RECOVERY BY THE OWNER THEREOF

PL 175.10 (b) FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE  
--- COMMIT THE CRIME OF FALSIFYING BUSINESS RECORDS IN THE SECOND DEGREE, AND HIS INTENT TO DEFRAUD INCLUDED AN INTENT TO COMMIT ANOTHER CRIME OR TO AID OR CONCEAL THE COMMISSION THEREOF.

THE ABOVE OFFENSES WERE COMMITTED AS FOLLOWS:

DEPONENT IS INFORMED BY JACQUEE CURILLO, WHO STATES THAT SHE IS A CONTROLLER AT STAR SUBARU, AND THAT DURING THE ABOVE MENTIONED TIMES, DATES AND LOCATION OF OCCURRENCE, THE DEFENDANT, DOUGLAS FILARDO, WAS A SALES MANAGER AT STAR SUBARU, A CAR DEALERSHIP LOCATED IN QUEENS COUNTY.

YILARD, DOUGLAS 015528747

DEPONENT IS FURTHER INFORMED BY JACQUE CUTILLO THAT DURING THE ABOVE MENTIONED DATES, STAR SUBARU RECEIVED A YEARLY LUMP SUM OF MONEY FROM SUBARU CORPORATE INTENDED TO SERVE AS BONUS MONEY FOR THE STAR SUBARU DEALERSHIP BASED ON EVERY PARTS AND SERVICE WARRANTY THAT DEALERSHIP SALES EMPLOYEES SOLD TO THEIR CUSTOMERS.

DEPONENT IS FURTHER INFORMED BY JACQUE CUTILLO THAT WHEN A VEHICLE IS DAMAGED ON THE LOT PRIOR TO A SALE TO A CUSTOMER, THE VEHICLE IS SERVICED BY THE ON-SITE PARTS AND SERVICE DEPARTMENT, AND THAT THE CAR DEAL JACKET WOULD CONTAIN INFORMATION DETAILING THE DAMAGE AND THE APPROPRIATE PAPERWORK TO ESTABLISH THAT THE DAMAGE WAS REPAIRED.

DEPONENT IS FURTHER INFORMED BY GLADYS GALARZA, WHO STATES THAT SHE WAS AN ACCOUNTANT THAT WORKED IN THE ACCOUNTING DEPARTMENT AT STAR SUBARU, AND THAT DURING THE ABOVE MENTIONED DATES, THE DEFENDANT INFORMED HER THAT THE PURPOSE OF THE CORPORATE BONUS MONEY WAS TO REPAIR DAMAGE TO SOLD VEHICLES, AND DEFENDANT FURTHER DIRECTED GLADYS GALARZA TO USE THE CORPORATE BONUS MONEY MENTIONED ABOVE TO COVER THE MISSING FUNDS FROM A SELECT NUMBER OF SOLD VEHICLES.

DEPONENT IS INFORMED BY JACQUE CUTILLO THAT BETWEEN APPROXIMATELY SEPTEMBER 21, 2016 AND JULY 3, 2017, DEFENDANT WAS INVOLVED IN THE SALE OF APPROXIMATELY 31 CARS TO CUSTOMERS, AND FURTHER THAT EACH DEAL JACKET CONTAINED A FORM THAT INDICATED DAMAGE TO SAID VEHICLE. DEPONENT IS FURTHER INFORMED BY JACQUE CUTILLO THAT SHE REVIEWED THE DEAL JACKETS AND THAT, OTHER THAN THE ABOVE MENTIONED FORM, THE DEAL JACKETS CONTAINED NO EVIDENCE OF ANY DAMAGE TO THE VEHICLES SOLD.

DEPONENT IS FURTHER INFORMED BY JACQUE CUTILLO THAT A REVIEW OF EACH OF THE APPROXIMATELY 31 DEAL JACKETS INDICATE THAT EACH CUSTOMER PAID SOME OR ALL OF THE MONTHS DUE IN CASH, AND THAT EACH DEAL JACKET CONTAINED A MISSING AMOUNT OF FUNDS, EQUAL TO OR LESS THAN THE PAID CASH AMOUNT.

DEPONENT IS FURTHER INFORMED BY GLADYS GALARZA THAT SHE WAS DIRECTED BY DEFENDANT TO USE THE CORPORATE BONUS MONEY TO COVER THE MISSING FUNDS. DEPONENT IS FURTHER INFORMED BY GLADYS GALARZA THAT THE TOTAL AMOUNT OF THE CORPORATE BONUS MONEY TO COVER THE MISSING FUNDS FROM EACH OF THE 31 DEAL JACKETS WAS APPROXIMATELY \$155,428.56.

DEPONENT IS FURTHER INFORMED BY JACQUE CUTILLO THAT STAR SUBARU CAR DEALERSHIP WAS UNAWARE OF THE EXISTANCE OF THE CORPORATE BONUS MONEY, AND THAT DEFENDANT DID NOT HAVE PERMISSION OR AUTHORITY TO TAKE, POSSESS, OR EXERCISE CONTROL OVER ANY OF THE ABOVE MENTIONED FUNDS.



Aug 10/2023 2:17:32 PM

Queens District Attorney / 182888888

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APR 10 2023 10:03:00

FILATED: DOUGLAS 071628757

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TO SECTION 210.45 OF THE PENAL LAW

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Q23622700

CRIMINAL COURT OF THE CITY OF NEW YORK  
PART APAR, COUNTY OF QUEENS

THE PEOPLE OF THE STATE OF NEW YORK

STATE OF NEW YORK  
COUNTY OF QUEENS

V.

CARMEN JONES (48Y)  
15949850Q

DEFENDANT

DETECTIVE MARCELO RAZZO OF FINANCIAL CRIMES TASK FORCE, TAX REG#: 924377, BEING DULY SWORN, DEPOSES AND SAYS THAT BETWEEN MAY 16 2012 12:00AM AND MAY 12 2017 11:59PM, INSIDE OF 209-34 NORTHERN BLVD (STAPLES), COUNTY OF QUEENS, STATE OF NEW YORK, THE DEFENDANT COMMITTED THE OFFENSES OF:

PL 155.30-1 [EF] GRAND LARCENY IN THE FOURTH DEGREE  
PL 165.45-1 [EF] CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE FOURTH DEGREE

PL 155.30-1 [EF] GRAND LARCENY IN THE FOURTH DEGREE  
--- KNOWINGLY AND UNLAWFULLY STEAL PROPERTY THE VALUE OF WHICH EXCEEDS ONE THOUSAND DOLLARS;

PL 165.45-1 [EF] CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE FOURTH DEGREE  
--- KNOWINGLY POSSESS STOLEN PROPERTY WITH A VALUE EXCEEDING ONE THOUSAND DOLLARS WITH INTENT TO BENEFIT HIMSELF OR A PERSON OTHER THAN THE OWNER THEREOF OR TO IMPEDE THE RECOVERY BY THE OWNER THEREOF.

THE ABOVE OFFENSES WERE COMMITTED AS FOLLOWS:

DEPONENT IS INFORMED BY JACQUIE CUTILLO, WHO STATES THAT SHE IS A CONTROLLER AT STAR NISSAN, AND THAT DURING THE ABOVE MENTIONED TIMES AND DATES OF OCCURRENCE, THE DEFENDANT, CARMEN JONES, WORKED AS ACCOUNTS PAYABLE AT STAR NISSAN, A CAR DEALERSHIP IN QUEENS COUNTY, NEW YORK.

DEPONENT STATES THAT HE HAS EXAMINED A COPY OF THE RECORDS OF STAPLES AND THAT SAID RECORDS WERE MADE IN THE REGULAR COURSE OF SAID BUSINESS AND THAT IT WAS THE REGULAR COURSE OF SUCH BUSINESS TO MAKE IT, AT THE TIME OF THE ACT, TRANSACTION, OCCURRENCE OR EVENT, OR WITHIN A REASONABLE TIME THEREAFTER AND THAT SAID RECORDS SHOW THAT THE DEFENDANT WAS THE SOLE AUTHORIZED USER OF THE STAPLES CREDIT CARD ENDING IN NUMBERS 3280, AND THAT BETWEEN MAY 16, 2012 AND MAY 12, 2017, SAID



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JONES, CAUMEN Q23622700

CREDIT CARD WAS USED AT A STAPLES STORE LOCATED AT 209-34 NORTHERN BOULEVARD, QUEENS COUNTY, NEW YORK TO PURCHASE APPROXIMATELY 255 GIFT CARDS TOTALLING APPROXIMATELY \$33,175.00.

DEPONENT IS FURTHER INFORMED BY JACQUIE CUTILLO THAT THE ABOVE MENTIONED STAPLES CREDIT CARD WAS A STAR NISSAN COMPANY CARD AND FURTHER THAT DEFENDANT DID NOT HAVE PERMISSION OR AUTHORITY TO PURCHASE THE ABOVE MENTIONED GIFT CARDS.

FALSE STATEMENTS MADE IN THIS DOCUMENT ARE PUNISHABLE AS A CLASS A MISDEMEANOR PURSUANT TO SECTION 210.45 OF THE PENAL LAW

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Q22638680

CRIMINAL COURT OF THE CITY OF NEW YORK  
PART APAR, COUNTY OF QUEENS

THE PEOPLE OF THE STATE OF NEW YORK

STATE OF NEW YORK  
COUNTY OF QUEENS

V.

DESPINA THEOCHARIS (56Y)  
15763655R

DEFENDANT

DETECTIVE DAVID HAYNES OF QUEENS COUNTY DISTRICT ATTORNEY'S OFFICE, TAX  
REG#: 667631, BEING DULY SWORN, DEPOSES AND SAYS THAT BETWEEN JULY 25  
2016 12:00AM AND NOVEMBER 30 2016 11:59PM, INSIDE OF 20626 NORTHERN  
BLVD (STAR CHRYSLER), COUNTY OF QUEENS, STATE OF NEW YORK, THE  
DEFENDANT COMMITTED THE OFFENSES OF:

PL 155.30-1 [EF] GRAND LARCENY IN THE FOURTH DEGREE (2 COUNTS)  
PL 175.05-1 [AM] FALSIFYING BUSINESS RECORDS IN THE SECOND DEGREE (3  
COUNTS)

PL 155.30-1 [EF] GRAND LARCENY IN THE FOURTH DEGREE (2 COUNTS)  
--- KNOWINGLY AND UNLAWFULLY STEAL PROPERTY THE VALUE OF WHICH  
EXCEEDS ONE THOUSAND DOLLARS;

PL 175.05-1 [AM] FALSIFYING BUSINESS RECORDS IN THE SECOND DEGREE (3  
COUNTS)  
--- WITH INTENT TO DEFRAUD, MAKE OR CAUSE A FALSE ENTRY IN THE  
BUSINESS RECORDS OF AN ENTERPRISE.

THE ABOVE OFFENSES WERE COMMITTED AS FOLLOWS:

DEPONENT IS INFORMED BY JACQUIE CUTILLO, WHO IS A CONTROLLER AT STAR  
CHRYSLER, WHO STATES THAT DURING THE ABOVE MENTIONED TIMES, AND DATES OF  
OCCURRENCE, THE DEFENDANT, DESPINA THEOCHARIS, WAS A FORMER EMPLOYEE  
OF STAR CHRYSLER, AND IN HER CAPACITY AS OFFICE MANAGER SHE HAD ACCESS  
TO INTERNAL ACCOUNTING SOFTWARE, AS WELL AS CASH RECEIPTS RECEIVED BY  
THE BUSINESS.

DEPONENT IS INFORMED BY ROBERT ASCHER, THAT ON APPROXIMATELY OCTOBER 28,  
2016, HE AND HIS WIFE, IRIS ASCHER, LEASED A 2017 GRAND CHEROKEE FROM  
STAR CHRYSLER, AND PAID \$3,000.00 USC IN CASH.

DEPONENT IS FURTHER INFORMED BY JACQUIE CUTILLO THAT A REVIEW OF THE  
INTERNAL ACCOUNTING SOFTWARE REVEALED THAT DEFENDANT DOCUMENTED A CASH  
RECEIPT OF \$3,000.00 USC IN CASH ON OCTOBER 29, 2016 FOR THE ABOVE

12/15/2022 5:57PM (GMT-05:00)



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THEOCHARIS, DESPINA Q22638680  
MENTIONED LEASED VEHICLE.

DEPONENT IS FURTHER INFORMED BY JACQUIE CUTILLO THAT A REVIEW OF THE INTERNAL ACCOUNTING SOFTWARE DOCUMENTS REVEALED THAT DEFENDANT DOCUMENTED IN THE ACCOUNTING SOFTWARE THAT A CASH DEPOSIT OF THE ABOVE MENTIONED \$3,000.00 USC WAS MADE IN THE ABOVE MENTIONED STAR CHRYSLER BANK ACCOUNT ENDING IN 0917 ON OCTOBER 29, 2016.

DEPONENT IS FURTHER INFORMED BY JACQUIE CUTILLO THAT A REVIEW OF THE ACCOUNTING SOFTWARE DOCUMENTS REVEALED THAT ON NOVEMBER 30, 2016 DEFENDANT DOCUMENTED THE ABOVE MENTIONED CASH DEPOSIT OF \$3,000.00 WAS RECEIVED AND REFLECTED IN STAR CHRYSLER'S BANK ACCOUNT ENDING IN 0917.

DEPONENT IS FURTHER INFORMED BY JACQUIE CUTILLO, THAT A REVIEW OF STAR CHRYSLER BANK STATEMENTS REVEALED THAT THERE WAS NO CASH DEPOSIT DURING THE MONTH OF OCTOBER OR NOVEMBER OF 2016 FOR THE AMOUNT OF \$3,000.00 USC FOR THE ABOVE MENTIONED LEASED VEHICLE.

DEPONENT IS FURTHER INFORMED BY JACQUIE CUTILLO THAT THE DEFENDANT DID NOT HAVE PERMISSION OR AUTHORITY TO TAKE THE ABOVE MENTIONED \$3,000.00 USC.

DEPONENT IS FURTHER INFORMED BY JACQUIE CUTILLO THAT ON JULY 21, 2016, DEFENDANT RECEIVED A \$2,000.00 LOAN FROM STAR CHRYSLER, AND THAT A REVIEW OF STAR CHRYSLER'S INTERNAL ACCOUNTING DOCUMENTS REVEALED THAT DEFENDANT DEBITED HER ACCOUNT NO. 181344 FOR \$2,000.00 FOR SAID LOAN.

DEPONENT IS FURTHER INFORMED BY JACQUIE CUTILLO THAT A REVIEW OF INTERNAL STAR CHRYSLER DOCUMENTS REVEALED A COPY OF CHECK NO. 61484, FOR THE AMOUNT OF \$2,000.00 PAYABLE TO DEFENDANT.

DEPONENT IS FURTHER INFORMED BY JACQUIE CUTILLO THAT A REVIEW OF THE INTERNAL ACCOUNTING SOFTWARE REVEALED THAT DEFENDANT DOCUMENTED A CASH RECEIPT OF \$2,000.00 USC IN CASH ON OCTOBER 17, 2016, AND THAT DEFENDANT CREDITED SAID TRANSACTION TOWARDS DEFENDANT'S ACCOUNT NO. 181344.

DEPONENT IS FURTHER INFORMED BY JACQUIE CUTILLO, THAT A REVIEW OF STAR CHRYSLER BANK STATEMENTS REVEALED THAT THERE WAS NO CASH DEPOSIT DURING THE MONTH OF OCTOBER OR NOVEMBER OF 2016 FOR THE AMOUNT OF \$2,000.00 FOR THE ABOVE MENTIONED LOAN PAYOFF.

DEPONENT IS FURTHER INFORMED BY JACQUIE CUTILLO THAT THE DEFENDANT DID NOT HAVE PERMISSION OR AUTHORITY TO TAKE THE ABOVE MENTIONED \$2,000.00 USC.

FALSE STATEMENTS MADE IN THIS DOCUMENT ARE  
PUNISHABLE AS A CLASS A MISDEMEANOR PURSUANT  
TO SECTION 210.45 OF THE PENAL LAW

12/15/2022 5:57PM (GMT-05:00)

## New York State Unified Court System

### WebCriminal

#### Case Details - Summary

##### CASE INFORMATION

Court: Queens Supreme Court - Criminal Term  
Case #: 01118-2018  
Defendant: Karouzakis, Vivian

##### Defendant

Name: Karouzakis, Vivian  
Birth Year: 1963  
NYSID: 13857895N

##### Incident and Arrest

###### Incident

Date: May 1, 2015  
CJTN: 68087561Q

###### Arrest

Date & Time: April 4, 2017 09:00  
Arrest #: Q17615561

###### Officer

Agency: NYPD  
Command:

##### Attorney Information

###### Defense Attorney

Name: Storch, O  
Type: Private (Retained)  
Court Date: June 20, 2018  
Court Part: TAP A  
Address: 120 Broadway 18th Fl, New York, NY 10271  
Phone: 212 - 587 - 2383

###### Assistant District Attorney

Name: Wright, A  
Assigned: June 20, 2018

##### Next Appearance

Date: May 6, 2019  
Court: Queens Supreme Court - Criminal Term  
Judge: Kron, B  
Part: TAP A

##### Docket Sentence

No Sentence Information on File



IND. # / S.P. # 01118/2018

PEOPLE OF THE STATE OF NEW YORK

VS

VIVIAN KAROUZAKIS

JUDGE: BARRY KRON

PART: TAP A

DATE: 09/20/2018

NATURE OF PROCEEDING:

MOTION TO

AMEND INDICTMENT

SUBMITTED ( )

ARGUED ( )

HEARING CONDUCTED ( ) CALENDERED AS:

AMEND IND

APPEARANCES:

ALLISON WRIGHT ASSISTANT DISTRICT ATTORNEY

DEFENSE ATTORNEY

FOR DEFENDANT

ADJOURNED TO:

9-20-18  
GRANTED on consent  
Hon. B. KRON



SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF QUEENS: CRIMINAL TERM PART TAP A

THE PEOPLE OF THE STATE OF NEW YORK

-against-

NOTICE OF  
MOTION

IND #: 1118/2018

VIVIAN KAROUZAKIS

Defendant(s)

PLEASE TAKE NOTICE, that upon the annexed affirmation of Allison Wright, dated August 29, 2018, and upon all papers and proceedings heretofore had herein, the undersigned, being an attorney at law, admitted to practice in the Courts of this State and an Assistant District Attorney of and for the County of Queens, of Counsel to RICHARD A. BROWN, DISTRICT ATTORNEY of the County of Queens, attorney of record for the People of the State of New York, will move this Court, at a Criminal Term, Part TAP A, to be held in and for the County of Queens, New York, at the Courthouse located at 125-01 Queens Boulevard, Kew Gardens, New York, on the 20<sup>th</sup> day of September, 2018, at 9:30 a.m., or as soon thereafter as counsel can be heard for:

1. An Order pursuant to C.P.L. §200.70, granting amendment to the indictment to correct a defect in form as to the date of occurrence contained in each count. The corrected date will correlate to the evidence elicited in the grand jury, and for such other and further relief as this Court may deem just and proper. No previous request for the above relief has been sought.

DATED: Kew Gardens, New York  
August 28, 2018

Respectfully submitted,  
RICHARD A. BROWN  
DISTRICT ATTORNEY  
QUEENS COUNTY

BY:

Allison Wright  
Assistant District Attorney

TO: Clerk of the Court, Part TAP A

Attorney for Defendant  
Oliver Storch, Esq.  
120 Broadway, 18<sup>th</sup> Floor  
New York, N.Y. 10271

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF QUEENS: CRIMINAL TERM PART: TAP A

THE PEOPLE OF THE STATE OF NEW YORK

AFFIRMATION  
IN SUPPORT OF  
MOTION TO AMEND  
THE INDICTMENT

-against-

IND #: 1118/2018

VIVIAN KAROUZAKIS

Defendant(s)

MOTION TO AMEND THE INDICTMENT

I, Allison Wright, being an attorney at law admitted to practice in the Courts of this State and an Assistant District Attorney of the County of Queens, of Counsel to RICHARD A. BROWN, DISTRICT ATTORNEY of the County of Queens, attorney of record for the People of the State of New York, do hereby affirm the statements herein to be true under the penalties of perjury, except such as are made upon information and belief, which matters I believe to be true.

This affirmation is submitted in support of the People's motion for an Order granting the amendment of the above indictment to correct a defect in counts four (4) and forty (40) pertaining to the date of the commission of the crimes charged. The People are seeking to amend the occurrence date in those two counts from between July 18, 2015 to July 24, 2018 to reflect the correct date of, from between July 8, 2015 to July 24, 2018.

1. Criminal Procedure Law Section 200.70(1), provides, in pertinent part that:

At any time before or during trial, the court may, upon the application of the people with notice to the defendant and opportunity to be heard, order the amendment of an indictment with respect to defects . . . relating to matters of form . . . when such amendment does not change the theory of the prosecution as reflected in the evidence before the grand jury which filed such indictment.

2. The amendment sought here will simply conform the indictment with the evidence presented to the Grand Jury and accurately reflect the dates of occurrence of the

crimes for which the Grand Jury indicted the defendant under counts four and forty. The two counts pertain to Star Nissan Inc's check number 87225, which was dated 7/8/2015 and payable to M & T Bank. Count four pertains to the theft of the check and count forty pertains to the criminal possession of stolen property pertaining to that check.

3. The defendant will not be prejudiced in any way since the correct dates were previously provided to the defendant in the Criminal Court Complaint at her arraignment in Criminal Court on April 4, 2017. The incorrect date in the indictment is simply a typographical error and this motion seeks to correct it.

4. The People hereby respectfully ask this Court to amend counts four and forty of the indictment to read as follows:

#### FOURTH COUNT

THE GRAND JURY OF THE COUNTY OF QUEENS BY THIS INDICTMENT, ACCUSES THE DEFENDANT OF GRAND LARCENY IN THE THIRD DEGREE COMMITTED AS FOLLOWS:

THE DEFENDANT, ON OR ABOUT AND BETWEEN JULY 8, 2015 AND JULY 24, 2015, IN THE COUNTY OF QUEENS, STOLE PROPERTY HAVING AN AGGREGATE VALUE OF MORE THAN THREE THOUSAND DOLLARS, TO WIT: A SUM OF UNITED STATES CURRENCY (CHECK #87225 PAYABLE TO M & T BANK) FROM STAR NISSAN INC.

#### FORTIETH COUNT

THE GRAND JURY OF THE COUNTY OF QUEENS BY THIS INDICTMENT, ACCUSES THE DEFENDANT OF CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE THIRD DEGREE COMMITTED AS FOLLOWS:

THE DEFENDANT, ON OR ABOUT AND BETWEEN JULY 8, 2015 AND JULY 24, 2015, IN THE COUNTY OF QUEENS, WITH INTENT TO BENEFIT HERSELF OR A PERSON OTHER THAN AN OWNER THEREOF OR TO IMPEDE THE RECOVERY BY THE OWNER THEREOF, KNOWINGLY POSSESSED STOLEN PROPERTY WHOSE AGGREGATE VALUE EXCEEDED THREE THOUSAND DOLLARS, TO WIT: A SUM OF UNITED STATES CURRENCY (CHECK #87225 PAYABLE TO M & T BANK) OWNED BY STAR NISSAN INC.

WHEREFORE, the People respectfully request that this Court grant the instant motion to amend the above-mentioned two counts of the indictment to accurately reflect the dates of occurrence for which defendant was indicted pursuant to Criminal Procedure Law Section 200.70(1) and for such further relief as this Court may deem proper.

DATED: Queens, New York  
August 29, 2018

Respectfully submitted,

RICHARD A. BROWN  
DISTRICT ATTORNEY  
QUEENS COUNTY

BY: 

Allison Wright  
Assistant District Attorney

TO: Clerk of the Court, Part TAP A

Attorney for Defendant  
Oliver Storch, Esq.  
120 Broadway, 18<sup>th</sup> Floor  
New York, N.Y. 10271